

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HEATHER WELKER,

Defendant.

CR-18-06-H-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 17, 2023. (Doc. 73.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 16, 2023. (Doc. 68.) The United States accused Heather Welker (Welker) of violating her conditions of supervised release 1) by failing to report for substance abuse testing on two separate

occasions; 2) by failing to participate in substance abuse testing; 3) by using methamphetamine; and 4) by using xanax. (Doc. 65.)

At the revocation hearing, Welker admitted to violating the conditions of her supervised release 1) by failing to report for substance abuse testing on two separate occasions; 2) by failing to participate in substance abuse testing; 3) by using methamphetamine; and 4) by using xanax. (Doc. 68.) Judge Johnston found that the violations that Welker admitted proved to be serious and warranted revocation, and recommended that Welker receive a custodial sentence until 12:00 p.m. noon on May 19, 2023, followed by supervised release to until June 11, 2023. Judge Johnston recommended that Welker's supervised release conditions be amended to include a condition requiring Welker to be employed by May 22, 2023. (Doc. 73.) Welker was advised of her right to appeal and her right to allocute before the undersigned and waived those rights. (Doc. 68.) The violations prove serious and warrant revocation of Welker's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 73) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Heather L. Welker be sentenced to the custody of the United States Bureau of Prisons until 12:00 p.m. (noon) on May 19, 2023 with supervised release until June 11, 2023. Welker's supervised release conditions

should be amended to include a condition requiring Welker to be employed by May 22, 2023.

DATED this 1st day of June, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court